

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:
Giuseppe & Rita Cianci

Case No.: 16-19448
Judge: KCF
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: November 7, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 259.00 per month to the Chapter 13 Trustee, starting on June 1, 2016 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 61 Hawthorne Drive, Tinton Falls, NJ 07753

Proposed date for completion: March 1, 2017

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2350/180 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Bank of America/Fox Chase (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
George E. Veitengruber	Attorney Fees	\$2,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank of America	61 Hawthorne Drive, Tinton Falls NJ 07753	\$163,655.01	6.00	163,655.01	2350
Fox Chase IV		\$13,108.16		\$13,108.16	180

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
PNC Bank	61 Hawthorne Drive Tinton Falls NJ 07753	83678.49	292,000.00	444373.48	0	0	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan The following secured claims are unaffected by the Plan:			
e. Secured Claims to be Paid in Full Through the Plan:			
Creditor	Collateral	Total Amount to be Paid Through the Plan	
Part 5: Unsecured Claims			
a. Not separately classified allowed non-priority unsecured claims shall be paid: <div style="margin-left: 20px;"> <input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i> <input type="checkbox"/> Not less than _____ percent <input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds </div>			
b. Separately classified unsecured claims shall be treated as follows:			
Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
Part 6: Executory Contracts and Unexpired Leases			
All executory contracts and unexpired leases are rejected, except the following, which are assumed:			
Creditor	Nature of Contract or Lease	Treatment by Debtor	

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
PNC Bank	61 Hawthorne Drive, Tinton Falls NJ 07753	83,678.49

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Part 8: Other Plan Provisions			
<p>a. Vesting of Property of the Estate</p> <p><input checked="" type="checkbox"/> Upon confirmation</p> <p><input type="checkbox"/> Upon discharge</p> <p>b. Payment Notices</p> <p>Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.</p> <p>c. Order of Distribution</p> <p>The Trustee shall pay allowed claims in the following order:</p> <p>1) Trustee commissions</p> <p>2) <u>Administrative Fees</u></p> <p>3) <u>Secured Creditors</u></p> <p>4) <u>Unsecured Creditors</u></p> <p>d. Post-Petition Claims</p> <p>The Trustee <input type="checkbox"/> is, <input checked="" type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
Part 9: Modification			
<p>If this Plan modifies a Plan previously filed in this case, complete the information below.</p> <p>Date of Plan being Modified: <u>May 27, 2016</u>.</p>			
<p>Explain below why the plan is being modified:</p> <p>Fox Chase Filed POC</p>		<p>Explain below how the plan is being modified:</p> <p>Added Fox Chase to cure arrearage</p>	
<p>Are Schedules I and J being filed simultaneously with this Modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: November 7, 2016

/s/ George E. Veitengruber
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: November 7, 2016

/s/ Giuseppe Cianci
Debtor

Date: November 7, 2016

/s/ Rita Cianci
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Giuseppe Cianci
 Rita Cianci
 Debtors

Case No. 16-19448-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 55

Date Rcvd: Nov 10, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 12, 2016.

db/jdb
 aty
 lm
 cr

+Giuseppe Cianci, Rita Cianci, 61 Hawthorne Drive, Tinton Falls, NJ 07753-7575
 +KML Law Group, P.C., 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 +Bank of America, NA, 7105 Corporate Drive, Plano, TX 75024-4100
 +Fox Chase IV, Phase II Condominium Association, In, Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635
 +BCA Financial Servicer's Inc., 18001 Old Cutler Road, Suite 462, Miami, FL 33157-6437
 +Bank of America Home Loans, 7105 Corporate Drive, Plano, TX 75024-4100
 +Barclay's Bank, P.O. Box 803, Wilmington, DE 19899-0803
 +Bosco's, P.O. Box 71106, Charlotte, NC 28272-1106
 +Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +Cutolo Mandell LLC, 151 Highway 33 East, Suite 204, Englishtown, NJ 07726-8635
 +Diagnostic Laboratory Service, 520 E. 22nd St. Lombard, Lombard, IL 60148-6110
 +EMA Monmouth Emerg Med, P.O. Box 417442, Boston, MA 02241-7442
 +Fingerhut Advantage, P.O. Box 166, Newark, NJ 07101-0166
 +First Premier Bank, P.O. Box 5519, Sioux Falls, SD 57117-5519
 +Fox Chase IV, 4 Walter E. Foran Blvd., Flemington, NJ 08822-4668
 +Fox Chase IV, Phase II Condominium Association, In, c/o Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635
 +KML Law Group PC, Sentry Office Plaza, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 +Lane Bryant/Comenity Bank, P.O. Box 659728, San Antonio, TX 78265-9728
 +MANUFACTURERS AND TRADERS TRUST COMPANY ALSO KNOWN, Bank of America, PO Box 31785, Tampa, FL 33631-3785
 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011
 +Monmouth County Sheriff's Office, 2500 Kozloski Road, Freehold, NJ 07728
 +Monmouth Medical Imaging PA, P.O. Box 1259, DEPT. #88679, Oaks, PA 19456-1259
 +Montgomery Ward, 3650 Milwaukee Street, Madison, WI 53714-2304
 +Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 +Orsini Gilson and Miller MD PC, 223 Monmouth Road, West Long Branch, NJ 07764-1024
 +PNC Bank, P.O. Box 742032, Pittsburgh, PA 15274
 +Pendrick Capital Partners, P.O. Box 1022, Wixom, MI 48393-1022
 +Power UP, P.O. Box 659820, San Antonio, TX 78265-9120
 +SOUTHERN OCEAN MEDICAL CENTER, Celentano Stabtmauer & Walentowicz LLP, 1035 Route 46 East, Suite B208, Clifton, NJ 07013-2469
 +Seventh Avenue, 1112 7th Avenue, Monroe, WI 53566-1364
 +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 +Southern Ocean Medical Center, c/o Celentano Stadtmauer & Walentowicz, PO Box 2594, Clifton, NJ 07015-2594
 +Stoneberry, P.O. Box 2820, Monroe, WI 53566-8020
 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 +Target National Bank, 2701 Wayzata Boulevard, Minneapolis, MN 55416
 +Tmobile, Attn: Bankruptcy Department, P.O. Box 54310, Bellevue, WA 98015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg
 E-mail/Text: usanj.njbankr@usdoj.gov Nov 10 2016 22:59:05 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg
 +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 10 2016 22:59:04 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 +E-mail/PDF: gecsedirecoverycorp.com Nov 10 2016 22:55:57 Amazon, P.O. Box 960013, Orlando, FL 32896-0013
 +E-mail/Text: ebn@barnabashealth.org Nov 10 2016 22:59:27 Barnabas Health, P.O. Box 903, Oceanport, NJ 07757-0903
 +E-mail/Text: bankruptcy@certifiedcollection.com Nov 10 2016 22:58:50 Certified Credit & Collection Bureau, P.O. Box 336, Raritan, NJ 08869-0336
 +E-mail/Text: creditonebknotifications@resurgent.com Nov 10 2016 22:58:21 Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
 +E-mail/PDF: gecsedirecoverycorp.com Nov 10 2016 22:55:57 JC Penney, P.O. Box 9600090, Orlando, FL 32896-0001
 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 10 2016 22:58:28 Kohls/Capital One, P.O. Box 3115, Milwaukee, WI 53201-3115
 +E-mail/PDF: resurgentbknotifications@resurgent.com Nov 10 2016 22:56:08 LNVN Funding, LLC its successors and assigns as, assignee of FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 +E-mail/Text: bkr@cardworks.com Nov 10 2016 22:58:14 MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 +E-mail/Text: bkr@cardworks.com Nov 10 2016 22:58:14 Merrick Bank, P.O. Box 30537, Tampa, FL 33630-3537
 +E-mail/Text: ebn@barnabashealth.org Nov 10 2016 22:59:27 Monmouth Medical Center, P.O. Box 29962, New York, NY 10087-9962
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 10 2016 23:02:22 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 55

Date Rcvd: Nov 10, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516389805 +E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 10 2016 22:59:16 Premier Bankcard, LLC,
c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
516212976 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:54
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
Kirkland, WA 98083-0788
516380964 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:55
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788
516272917 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:54
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
516352600 +E-mail/Text: bncmail@w-legal.com Nov 10 2016 22:59:12 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
516180351 +E-mail/PDF: gecsed@recoverycorp.com Nov 10 2016 22:56:49 Walmart, P.O. Box 965024,
Orlando, FL 32896-5024

TOTAL: 19

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 12, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlson on behalf of Creditor MANUFACTURERS AND TRADERS TRUST COMPANY et al...
dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com
Denise E. Carlson on behalf of Loss Mitigation Bank of America, NA dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com
George E Veitengruber, III on behalf of Joint Debtor Rita Cianci Gveitengruberessq@gmail.com,
knapolitano15@gmail.com
George E Veitengruber, III on behalf of Debtor Giuseppe Cianci Gveitengruberessq@gmail.com,
knapolitano15@gmail.com
Hubert C. Cutolo on behalf of Creditor Fox Chase IV, Phase II Condominium Association, Inc.
hcutolo@cutololaw.com
Jordan Seth Blask on behalf of Creditor PNC Bank, National Association jblask@tuckerlaw.com,
agilbert@tuckerlaw.com; apetronchak@tuckerlaw.com

TOTAL: 8